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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,701	07/30/2003	Jin-Chu Lu	MR957-1365	5347

4586 7590 10/06/2004

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EXAMINER
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KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,701

Applicant(s)

LU, JIN-CHU

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Objections***

Claims 1-2 are objected to because of the following informalities:

In claim 1:

On page 11, line 5, "bard" should be --bars--;

On page 11, line 9, "centrifugal force" should be --a centrifugal force--;

On page 11, line 13, "the rubbing surface" should be --the rubbing surface of the cap portion--.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pauls et al, U.S. Patent No. 5147265, in view of applicant's drawings in figures 5-7 of prior art.

Pauls '265 shows a winding mechanism (150) arranged on bottom of the exercise machine; the winding mechanism including a housing part (151), a shaft (160), and a return spring (inside of 164); a cable (154) being securely connected to an outer side of the housing part at a first end; the shaft (160) connected to the return spring so

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that it is rotated together with the housing part on the exercise machine; the cable being wound around the housing part (151) at a not-in-use position when there is no external force exerted on it; the return spring (inside of 164) being capable of storing up a return force thereon when the cable (154) is pulled away from the housing part (151) to a long stretched position, which return force will make the housing part rotate to wind the cable back around the housing part (151) when the cable is released; the shaft (16) having an upper connection end (top portion of 160) projecting from the top of the housing part; a speed reduction mechanism (part of 150), the speed reduction mechanism having a rotary member (figure 12), which is connected to the upper connecting end of the shaft of the winding mechanism at a middle part (part of figure 12) thereof so as to be rotate together with the shaft; the speed reduction mechanism having as stationary member fixedly disposed on bottom of the exercise machine; the stationary member (part of 151) having a cap portion (151A) disposed over the rotary member; the rotary member having a plurality of rubbing bars (167, 168, 170) pivoted to the middle part thereof; the rubbing bars (167, 168, 170) having outward sides facing an annular rubbing surface on an inner side of an annular portion of the cap portion (151, 151A, 153); the rubbing bars being biased away from the rubbing surface of the cap portion and towards the middle part of the rotary member by means of tension springs (171) connecting the rubbing bars to the middle part (see figures 11 and 12); and a centrifugal force acting on the rubbing bars (due to the springs 171) when the winding mechanism functions to wind the cable around the housing part (151) thereof after the cable has been released from a long stretched position; the rubbing bars being pivoted towards the rubbing surface to

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be rubbed against the rubbing surface of the cap portion when speed of rotation of the rotary member with the housing part is high that the centrifugal force is greater than force of the tension springs (171) on the rubbing bars (167, 168, 170), thus slowing down rotation of the rotary member and the housing part of the winding mechanism, and reducing speed of movement of a free end of the cable towards the housing part, see figures 9 and 11-12.

Pauls '265 does not show the winding mechanism winding a strap and be able to attach to the post part.

Applicant's drawings in figures 5-7 of prior art show the winding mechanism winding a strap and being able to attach to the post part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach pauls '265 device to wind a strap and attach the device on to the post part as taught in the prior art, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/28/04



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